

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 605

## STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND NINE.

### HOUSE AMENDMENT "A"

*Be it enacted by the People of the State of Maine, as follows:*

Section I. The county of Cumberland shall upon the tak-  
2 ing effect of this act proceed to reconstruct Portland Bridge,  
3 so-called, connecting the cities of Portland and South Port-  
4 land in Cumberland County across Portland Harbor, and  
5 extend the same from the terminus of the present bridge on  
6 Main Street in South Portland at a suitable grade to its for-  
7 mer terminus at Brackett Street at its intersection with York  
8 Street in the city of Portland. Said bridge to cross the  
9 tracks of the Boston & Maine and the Maine Central Rail-  
10 roads at an elevation which shall meet the present grade of  
11 Brackett street at its southerly terminus at York Street, the

12 same to be thereafter maintained as a part of the same high-  
13 way of which said Portland Bridge is now a part, with a  
14 suitable draw in the same of sufficient width to accommo-  
15 date navigation at that point. Said county may construct  
16 approaches to each end of said bridge, using so much of the  
17 highway and approaches to the present bridge as may be,  
18 and shall have authority to acquire by purchase or to take  
19 by right of eminent domain upon the payment of reasonable  
20 compensation therefor any land outside the present high-  
21 way, bridge and approaches to the same as may be necessary  
22 for the construction of said new bridge and the approaches  
23 thereto, or for the safe and proper maintenance thereof,  
24 and for such purposes may so acquire or take land on either  
25 side of and adjoining said highway, approaches and bridge  
26 though covered with water, or flowed by the tide, and fill the  
27 same, provided it can be done without obstructing naviga-  
28 tion; and may construct a temporary bridge for the use of  
29 teams and pedestrians during the construction of said bridge.  
30 The County Commissioners of said county may exercise the  
31 right of eminent domain and take land necessary to carry  
32 out the purposes of this act after hearing, notice of the date  
33 and place of hearing being given by publication in two daily  
34 papers published in Portland, for one week at least previous  
35 to the time appointed for said hearing; and the clerk of the  
36 commissioners of said county shall keep a record of their  
37 proceedings and their determination and decision, which  
38 shall be signed by a majority of said officers and which shall

39 set forth a description of the land taken and the owners, if  
40 known, and the amount of the damage awarded therefor,  
41 and upon the signing of said record by said officers they may  
42 enter upon the land and take possession for the purposes of  
43 this act, and the land so taken shall become a part of the  
44 public highway subject to all the limitations and restrictions  
45 and uses provided for in chapter twenty-three of the revised  
46 statutes. Any persons aggrieved by the decision of said  
47 officers so far as it related to damages awarded for lands  
48 so taken shall have the same right of appeal as is provided  
49 in chapter twenty-three of the revised statutes from the de-  
50 cision of the County Commissioners in the laying out of  
51 highways.

Sect. 2. Said bridge shall be built of steel masonry or  
2 concrete, and shall have a roadway of not less than fifty  
3 feet in width with suitable walks for foot passengers on  
4 either side. There shall be a draw constructed in said bridge  
5 with a clean opening of not less than seventy feet in width  
6 in such part and in such manner with suitable dolphins and  
7 other necessary and appurtenant structures for the opera-  
8 tion of the same as shall meet the requirements of the war  
9 department of the United States. If the County Commis-  
10 sioners of said county deem it advisable, said bridge shall be  
11 of sufficient strength to allow its use by such surface street  
12 railroads operated by electricity or other motive power as  
13 may obtain permission to use the same under the terms of  
14 this act.

The expense of constructing said bridge shall not exceed

16 the sum of five hundred thousand dollars, and shall, together  
17 with the annual maintenance of the same, be borne by the  
18 County of Cumberland, the Boston and Maine Railroad and  
19 the Maine Central Railroad. In case the several parties  
20 cannot agree as to the respective part of the total cost and  
21 of the annual maintenance each shall bear, it shall be deter-  
22 mined by any justice of the supreme judicial court sitting  
23 in equity. The County Commissioners of Cumberland  
24 County may, after said bridge has been completed, commence  
25 proceedings for determining the proportionate part of the  
26 total cost of said bridge and of the annual maintenance there-  
27 of each of said parties shall bear by bill of complaint filed  
28 with the clerk of courts for said county of Cumberland, set-  
29 ting forth substantially the facts in the case, including the  
30 total cost of said bridge and praying that the court shall de-  
31 termine the proportionate part of said total cost and of the  
32 annual maintenance each of said parties shall bear. The  
33 proceedings in such case shall be according to the usual  
34 course in equity causes and all decrees of the court in the  
35 premises shall be enforced in the same manner as are de-  
36 crees in equity under the laws of this State, the parties hav-  
37 ing the right of exception and of appeal according to the  
38 usage and practice of courts in equity.

Sect. 3. To procure funds for the construction of said  
2 bridge, including approaches thereto, the taking of necessary  
3 lands therefor, the construction of the dolphins and other  
4 necessary and appurtenant structures for the operation of the

5 draw and the convenience of navigation, the building of a  
6 temporary bridge if necessary and such other expenses as  
7 are necessary to carry out the purposes of this act, said  
8 county of Cumberland is authorized to issue its notes and  
9 bonds, or raise the same in whole or in part by taxation.

Sect. 4. If said county commissioners decide to build said  
2 bridge so it may be used by surface railroads operated by  
3 electricity or other motive power, they may enter into an  
4 agreement with any such surface railroad to permit the use  
5 of said bridge by said railroad for purposes of public traffic  
6 under such terms and for such periods as they may agree  
7 upon. The amount paid by said railroads for said privilege  
8 shall be used to defray the expense of construction of said  
9 bridge on the payment of the annual interest on the bonds  
10 issued by said county under this act, or be placed a sinking  
11 fund to be held and invested and the proceeds thereof ap-  
12 plied in part payment of said bonds. In case said county  
13 commissioners shall fail to come to an agreement with the  
14 Portland and Cape Elizabeth Railroad now using a portion  
15 of said Portland bridge, so-called, as to the terms under  
16 which they may cross said bridge when re-constructed, such  
17 terms may be determined by a committee of reference to be  
18 selected, one by the county commissioners, one by said Port-  
19 land and Cape Elizabeth Railroad, and the third by the two  
20 members of the committee so selected. Said committee  
21 shall then proceed to hear all parties interested and determine

22 the terms and conditions under which said railroad may  
23 cross said bridge as re-constructed.

Sect. 4. The county of Cumberland is hereby vested with  
2 all the authority and powers necessary to carry out the pro-  
3 visions of this act.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 12, 1909.

Tabled pending adoption by Mr. ROUNDS of Portland and  
ordered printed.

E. M. THOMPSON. *Clerk.*